

REMARKS

In the above-referenced Office Action, the Examiner objected to the drawings for failing to comply with 37 C.F.R. § 1.84(p)(5) because there were reference numerals in the drawings not mentioned in the description; objected to the claims because of informalities; rejected claims 13 and 14 under 35 U.S.C. §102(b) as being anticipated by Morrison (U.S. Patent No. 4,300,301); rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Morrison as applied to claim 13 and further in view of Tange (U.S. Patent No. 5,903,994); rejected claims 13 and 14 [sic; claims 16 and 17] under 35 U.S.C. §103(a) as being unpatentable over Morrison and Ruger (U.S. Patent No. 3,577,668); and rejected claim 18 under 35 U.S.C. §103(a) as being unpatentable over Morrison and Ruger as applied to claim 16 and further in view of Tange.

Applicant has amended the specification to include the reference numerals that were omitted from the description. Applicant asserts that no new matter has been added since the elements referred to by the omitted reference numerals were clearly shown in the figures as filed. Moreover, one of ordinary skill in the art would understand what those elements are from the drawings and, thus, the addition of the text in the specification is not new matter.

Applicant has also correct the informalities in the claims. The amendments made were to clarify the claims and were not related to patentability of the claims.

In the above-mentioned Office Action, the Examiner rejected claims 13 and 14 under 35 U.S.C. §102(b) as being anticipated by Morrison (U.S. Patent No. 4,300,301). The Examiner indicated that Morrison discloses a trigger lock housed in a rifle frame (reference

5), comprising: a shaft (20) having a first end and a rod on an opposite end (Fig. 2), a cutout (25) located between the first end and the rod, the shaft rotatable within the frame, a spring (16) for retaining the shaft within the frame, a thumb lever (7) having a thumb pad (30) for attachment to the rod of the shaft whereby pressing the thumb lever in one direction causes the shaft to rotate so that the cutout is near the trigger and the trigger will operate and pressing the thumb pad in an opposite direction causes the shaft to rotate so that the cutout is not near the trigger and the trigger will not operate. Office Action at pp. 2-3.

The cited reference does not disclose or suggest the invention claimed in claims 13 and 14 for at least the following reasons. First, the shaft 20 does not have a first end and a rod on an opposite end. Applicant notes that the Examiner did not indicate which end of the shaft (20) corresponded to which element in the claimed invention. The rod in the specification is shown to be different from the remainder of the shaft and the shaft in the cited reference appears (except for the cutout (25)) to be the same along its length. Additionally, the spring 16 is not used to retain the shaft within the frame. As indicated in col. 4, lines 18-23 of Morrison, the barrel member 20 is confined against axial movement by the action of the detent member (ball) 17 engaging the indentations in the barrel 20, where the widths of the detents 21,22 are substantially that of ball 17. Thus, the spring 16 does not retain the shaft within the frame as required by claims. Therefore, the reference does not disclose or suggest the claimed invention and claims 13 and 14 are allowable.

The Examiner then rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Morrison as applied to claim 13 and further in view of Tange. The Examiner admitted

that Morrison does not expressly disclose a pin for attaching the thumb lever to the shaft, but indicates that Tange does disclose such an element. The Examiner then asserted that Tange discloses a connecting screw (pin) (34) for connecting a safety lever to a central pin in order to prevent the two pieces from rotating relative to one another. The Examiner also asserted that the references are analogous art and the motivation to combine the references would be to obtain a safety lever affixed to a safety rod in a manner that would not allow rotation between the two. Office Action at p. 3.

Putting aside the assertions that the references are analogous art and that the motivation to combine the references is present for the moment, the references, alone or in combination, do not disclose or suggest the claimed invention. The claimed invention requires, *inter alia*, that there be a pin for attaching the thumb lever to the shaft, wherein the shaft allows or does not allow the trigger to operate. However, the pin 34 in Tange attaches a thumb lever to another thumb lever that in turn has a lock stud 28 (See Fig. 6). The lock stud 28 of the reference would apparently correspond to the shaft in the present invention. Thus, the pin in Tange does not attach the thumb lever to the shaft, but attaches a thumb lever to another thumb lever. Therefore, even if the references could be combined, they would not disclose or suggest the claimed invention.

Returning to the combination of the references, Applicants also note that the device in Morrison could not be modified by Tange without a complete redesign of the lock mechanism in Morrison so that they would be operational. There is simply no room for the

additional lever or the space for the pins to connect the thumb levers. For this additional reason, claim 15 is allowable as the combination of the two references is impossible.

The Examiner then rejected claims 13 and 14 [sic; claims 16 and 17] under 35 U.S.C. §103(a) as being unpatentable over Morrison and Ruger (U.S. Patent No. 3,577,668). The Examiner indicated that the claims rejected in view of these references were claims 13 and 14. However, the discussion in the Office Action clearly seems more relevant to claims 16 and 17, and these claims are not addressed elsewhere in the Office Action. Applicant therefore responds as if the rejection were directed to claims 16 and 17 and reserves the right to amend this response if the Applicant has misunderstood the Office Action.

The Examiner indicated that Morrison discloses the majority of the elements in the rejected claims, but admitted that Morrison does not disclose a spring around the shaft. The Examiner asserts that Ruger does disclose such a spring, citing element 47. Applicant's reading of the reference indicates that the cited spring is a "bell crank spring 47 one end 55 of which enters the hollow pin 23 and the other end of which enters a hole 57 formed in the bell crank." Col. 3, lines 34-36. Applicant is unable to find where the spring is around any shaft. In fact, looking at Fig. 4, it clearly shows that the spring 47 is not meant to be put around a shaft, which would prevent it from acting as the bell crank spring and not allow the bell crank 46 to be moved, thereby rendering the safety mechanism inoperable. Therefore, the combination of the two references does not disclose or suggest the claimed invention. Moreover, the method of operation of the two safety mechanisms is so different that they cannot be easily combined without a total reconstruction of at least one of the two

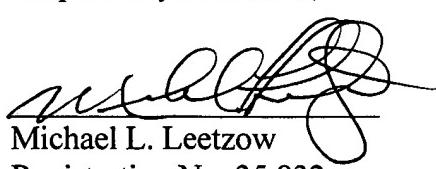
mechanisms. Therefore, Applicant also asserts that the combination, in addition to failing to disclose or suggest the claimed invention, is improper. The combination appears to be a result of impermissible hindsight. These claims are therefore also allowable.

Finally, the Examiner rejected claim 18 under 35 U.S.C. §103(a) as being unpatentable over Morrison and Ruger as applied to claim 16 and further in view of Tange. As indicated above, the combination of Morrison and Ruger is impermissible and does not disclose or suggest the claimed invention. Furthermore, the addition of Tange does not cure those deficiencies. In fact, as indicated above with respect to claim 15, the addition of Tange compounds those deficiencies. Applicant incorporates the arguments above here in order to not burden the record any further.

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested.

No fee is believed to be due with this submission. The Patent Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,



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